

FILED

JUN 02 2023

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
Southern Division**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

RICHARD J. McCLINTON,)
Plaintiff,)
v.) Civil Action No. 2:20-cv-
CAPSTONE LOGISTICS, LLC,) 00543-AMM
Defendant.)

VERDICT FORM

Verdict Form - Age Discrimination in Employment Act

Do you find from a preponderance of the evidence:

1. That Capstone fired Mr. McClinton because of his age?

Answer Yes or No NO

If your answer is "No," this ends your deliberations, and your foreperson should sign and date the last page of this verdict form. If your answer is "Yes," go to the next question.

2. That Mr. McClinton should be awarded damages?

Answer Yes or No _____

If your answer is "Yes," in what amount? \$ _____

SO SAY WE ALL.

Foreperson's Signature

DATE: June 2, 2023

Verdict Form - 4.11 Americans with Disabilities Act – Disparate-Treatment Claim

Do you find from a preponderance of the evidence:

1. That Mr. McClinton had a “disability?”

Answer Yes or No Yes

If your answer is “No,” this ends your deliberations, and your foreperson should sign and date the last page of this verdict form. If your answer is “Yes,” go to the next question.

2. That Mr. McClinton was a “qualified individual?”

Answer Yes or No Yes

If your answer is “No,” this ends your deliberations, and your foreperson should sign and date the last page of this verdict form. If your answer is “Yes,” go to the next question.

3. That Capstone fired Mr. McClinton because of his disability?

Answer Yes or No Yes

If your answer is “No,” this ends your deliberations, and your foreperson should sign and date the last page of this verdict form. If your answer is “Yes,” go to the next question.

4. That Mr. McClinton should be awarded damages to compensate for a net loss of wages and benefits to the date of your verdict?

Answer Yes or No Yes

If your answer is "Yes,"
in what amount? \$ 272,000.00

5. That Mr. McClinton should be awarded damages to compensate for emotional pain and mental anguish?

Answer Yes or No Yes

If your answer is "Yes,"
in what amount? \$ 200,000.00

If you did not award damages in response to either Question Nos. 4 or 5, this ends your deliberations, and your foreperson should sign and date the last page of this verdict form. If you awarded damages in response to Question Nos. 4 or 5 (or both), go to the next question.

6. That punitive damages should be assessed against Capstone?

Answer Yes or No Yes

If your answer is "Yes,"
in what amount? \$ 544,000.00

SO SAY WE ALL.

DATE: June 2, 2023

Foreperson's Signature

V

Verdict Form – 4.12 Americans with Disabilities Act – Reasonable Accommodation Claim

Do you find from a preponderance of the evidence:

1. That Mr. McClinton had a “disability?”

Answer Yes or No Yes

If your answer is “No,” this ends your deliberations, and your foreperson should sign and date the last page of this verdict form. If your answer is “Yes,” go to the next question.

2. That Mr. McClinton was a “qualified individual?”

Answer Yes or No Yes

If your answer is “No,” this ends your deliberations, and your foreperson should sign and date the last page of this verdict form. If your answer is “Yes,” go to the next question.

3. That Capstone knew of Mr. McClinton’s disability?

Answer Yes or No Yes

If your answer is “No,” this ends your deliberations, and your foreperson should sign and date the last page of this verdict form. If your answer is “Yes,” go to the next question.

4. That Mr. McClinton requested an accommodation?

Answer Yes or No Yes

If your answer is “No,” this ends your deliberations, and your foreperson should sign and date the last page of this verdict form. If your answer is “Yes,” go to the next question.

5. That a reasonable accommodation existed that would have allowed Mr. McClinton to perform the essential functions of the job?

Answer Yes or No Yes

If your answer is “No,” this ends your deliberations, and your foreperson should sign and date the last page of this verdict form. If your answer is “Yes,” go to the next question.

6. That Capstone failed to provide a reasonable accommodation?

Answer Yes or No Yes

If your answer is “No,” this ends your deliberations, and your foreperson should sign and date the last page of this verdict form. If your answer is “Yes,” go to the next question.

7. That Capstone made good faith efforts to identify and make a reasonable accommodation for Mr. McClinton?

Answer Yes or No No

If your answer is “Yes,” this ends your deliberations, and your foreperson should sign and date the last page of this verdict form. If your answer is “No,” go to the next question.

8. That Mr. McClinton's requested accommodation would have imposed an undue hardship on the operation of Capstone's business?

Answer Yes or No No

If your answer is "Yes," this ends your deliberations, and your foreperson should sign and date the last page of this verdict form. If your answer is "No," go to the next question.

9. That Mr. McClinton should be awarded damages to compensate for a net loss of wages and benefits to the date of your verdict?

Answer Yes or No Yes

If your answer is "Yes,"
in what amount? \$ 272,000.00

10. That Mr. McClinton should be awarded damages to compensate for emotional pain and mental anguish?

Answer Yes or No Yes

If your answer is "Yes,"
in what amount? \$ 200,000.00

If you did not award damages in response to either Question Nos. 9 or 10, this ends your deliberations, and your foreperson should sign and date the last page of this verdict form. If you awarded damages in response to Question Nos. 9 or 10 (or both), go to the next question.

11. That punitive damages should be assessed against Capstone?

Answer Yes or No Yes

If your answer is "Yes,"
in what amount? \$ 544,000.00

SO SAY WE ALL.

DATE: June 2, 2023

Foreperson's Signature

U

Verdict Form – 4.22 Retaliation – Americans with Disabilities Act

Do you find from a preponderance of the evidence:

1. That Mr. McClinton engaged in protected activity?

Answer Yes or No Yes

If your answer is “No,” this ends your deliberations, and your foreperson should sign and date the last page of this verdict form. If your answer is “Yes,” go to the next question.

2. That Capstone took the adverse employment action because of Mr. McClinton’s protected activity?

Answer Yes or No Yes

If your answer is “No,” this ends your deliberations, and your foreperson should sign and date the last page of this verdict form. If your answer is “Yes,” go to the next question.

3. That Mr. McClinton suffered damages because of the adverse employment action?

Answer Yes or No Yes

4. That Mr. McClinton should be awarded damages to compensate for a net loss of wages and benefits to the date of your verdict?

Answer Yes or No Yes
If your answer is “Yes,”
in what amount? \$ 272,000.00

5. That Mr. McClinton should be awarded damages to compensate for emotional pain and mental anguish?

Answer Yes or No Yes

If your answer is "Yes,"
in what amount? \$ 200,000.00

If you did not award damages in response to either Question Nos. 4 or 5, this ends your deliberations, and your foreperson should sign and date the last page of this verdict form. If you awarded damages in response to Question Nos. 4 or 5 (or both), go to the next question.

6. That punitive damages should be assessed against Capstone?

Answer Yes or No Yes

If your answer is "Yes,"
in what amount? \$ 544,000.00

SO SAY WE ALL.

DATE: June 2, 2023

Foreperson's Signature JL V

Verdict Form – 4.16 Family and Medical Leave Act – Interference Claims

Do you find from a preponderance of the evidence:

1. That Mr. McClinton was eligible for FMLA leave?

Answer Yes or No Yes, undisputed by the parties

If your answer is “No,” this ends your deliberations, and your foreperson should sign and date the last page of this verdict form. If your answer is “Yes,” go to the next question.

2. That Mr. McClinton was entitled to FMLA leave?

Answer Yes or No Yes

If your answer is “No,” this ends your deliberations, and your foreperson should sign and date the last page of this verdict form. If your answer is “Yes,” go to the next question.

3. That Mr. McClinton gave Capstone proper notice of his need for leave?

Answer Yes or No Yes

If your answer is “No,” this ends your deliberations, and your foreperson should sign and date the last page of this verdict form. If your answer is “Yes,” go to the next question.

4. That Capstone interfered with Mr. McClinton’s FMLA rights?

Answer Yes or No Yes

If your answer is "No," this ends your deliberations, and your foreperson should sign and date the last page of this verdict form. If your answer is "Yes," go to the next question.

5. That Mr. McClinton should be awarded damages?

Answer Yes or No Yes

If your answer is "Yes,"
in what amount? \$ 200,000.00

SO SAY WE ALL.

DATE: June 2, 2023

Foreperson's Signature

U

Verdict Form – 4.15 Family and Medical Leave Act – Retaliation Claims

Do you find from a preponderance of the evidence:

1. That Mr. McClinton was entitled to FMLA leave?

Answer Yes or No Yes

If your answer is “No,” this ends your deliberations, and your foreperson should sign and date the last page of this verdict form. If your answer is “Yes,” go to the next question.

2. That Mr. McClinton properly requested FMLA leave?

Answer Yes or No No

If your answer is “No,” this ends your deliberations, and your foreperson should sign and date the last page of this verdict form. If your answer is “Yes,” go to the next question.

3. That Capstone took the adverse employment action because of Mr. McClinton’s protected activity?

Answer Yes or No Yes D&W

If your answer is “No,” this ends your deliberations, and your foreperson should sign and date the last page of this verdict form. If your answer is “Yes,” go to the next question.

4. That Mr. McClinton should be awarded damages?

Answer Yes or No _____

If your answer is "Yes,"
in what amount? \$ _____

SO SAY WE ALL.

Foreperson's Signature

DATE: June 2, 2023